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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTHUR LEE GARRISON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS DIRECTOR, et al.

Defendants

Case No. 3:17-cv-00391-MMD-WGC

ORDER GRANTING
MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S MOTION TO
SHOW JUST CAUSE FOR JURY TRIAL
(ECF NO. 246)

Defendants, Romeo Aranas, Guy Brown Angela Gregerson Michael Koehn, Scott Manthei and Julie Matousek Melissa Mitchell, Dwight Neven and Perry Russell, by and through counsel Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby file their Motion for Extension of Time to Respond to Plaintiff's Motion to Show Cause for Jury Trial (ECF No. 246).

This Motion is made and based upon Federal Rules of Civil Procedure 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

Plaintiff Arthur Lee Garrison (Garrison) is a Nevada Department of Corrections (NDOC) inmate proceeding *pro se* in this 42 U.S.C. § 1983 action asserting an alleged First Amendment retaliation claim

1 and an Eighth Amendment claim for deliberate indifference to serious medical needs. (*See generally*,
2 ECF No. 35). Garrison alleges the violations occurred while he was housed at High Desert State Prison
3 (HDSP) and Ely State Prison (ESP.) (*Id.*). Garrison is now housed at Lovelock Correctional Center
4 (LCC).

5 On screening, Garrison was allowed to proceed with a retaliation claim and an Eighth
6 Amendment deliberate indifference to serious medical needs claim. (ECF No. 35 at 7:22-28,
7 See also, ECF No. 128 at 7:1-5). On January 21, 2021, the Defendants filed a Motion for
8 Summary Judgment. (ECF No. 247). Plaintiff, on January 20, 2021 filed the within Motion
9 to Show Just Cause for Jury Trial. (ECF No. 246) It is unclear, from review of the Motion,
10 Plaintiff's actual intent. However, to the extent his intent may be to consider the Motion a
11 dispositive motion, additional time to respond is requested.

12 A response to a routine motion, in Federal Court is due 14 days after filing. Local
13 Rule 7-2 (b). That would make the response to this motion due February 3, 2021. If the
14 Motion is considered a Motion for Summary Judgment, the response is due 21 days after the
15 motion is filed. LR 7-2 (b). In either event, the Defendants request additional time to
16 respond to the Motion.

17 Plaintiff's Motion is 51 pages long. It is hand written, and frankly, very difficult to
18 follow. Responding to the Motion will take a considerable amount of time and energy. Also
19 due on February 3, 2021 is a Motion for Summary Judgment in the case of *Burns v Davis*
20 Case No. 2:19-cv-00218-RFB-BNW. Counsel has already asked for and received 2
21 extensions of time to file the Motion for Summary Judgment. This makes response to this
22 motion more difficult. Therefore, the Defendants request an additional 30 days, or until
23 **March 3, 2021** to respond to Plaintiff's Motion.

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II. LEGAL ANALYSIS

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a thorough opportunity to brief a response to Plaintiffs motion in a full and timely manner. The requested extension of time should permit the Defendants time to adequately research, draft, and submit a well briefed response to Plaintiff's motion in this case. Defendants assert that the requisite good cause is present to warrant the requested extension of time. It is unclear the intent of Plaintiff's Motion. However, to the extent he may intend that the Court consider his motion as a dispositive motion, additional time is warranted.

III. CONCLUSION

Defendants request this Court extend the deadline for a response to Plaintiff's Motion in this matter. Defendants assert that the requisite good cause is present to warrant the requested extension of time. The request is timely. Therefore, the Defendants request additional time, up until Wednesday, **March 3, 2021**, to file a response in this matter.

DATED this 3rd day of February, 2021.

AARON D. FORD
Attorney General

By: /s/Douglas R. Rands
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

DATED: February 4, 2021.

William G. Cobb
UNITED STATES MAGISTRATE JUDGE